

REMARKS

The Office Action mailed May 3, 2006 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

As an initial matter, the Applicant appreciates the opportunity to speak with the Examiner on June 21, 2006 regarding this application.

I. Office Action and Claim Summary

Claims 1-18, 20-24, 26-29, and 33-39 are currently pending in the application, with claims 1, 12, 21, 24, 33, and 36 being independent claims. In accordance with the above amendments, claims 1, 12, 21, and 24 are amended, claims 19, 25, and 30-32 are canceled, and claims 36-39 are added.

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1-4, 10, and 12-16 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,480,031 to Mautasch, et al.;
- Claims 30-32 are rejected under 35 U.S.C. §102(b) as being anticipated by either of U.S. Patent Number 3,798,702 to Plauda and U.S. Patent Number 2,506,862 to Faehnel;
- Claims 5-7, 17, 18, and 21-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of Mautasch and U.S. Patent Number 5,933,918 to Wallays; and
- Claims 8, 11, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of Mautasch, Wallays, and Faehnel.

In addition, the Office Action indicates that claims 33-35 are allowed and claims 9, 19, and 29 are objected to as being dependent upon a rejected base claim.

II. Discussion of Claims

Discussion of Claims 1-11

Independent claim 1 recites, in part, a culinary implement having a handle, a single attachment arm, and a head portion. The handle has an elongate configuration that defines a pair of ends and a longitudinal axis extending through the ends. The attachment arm is secured to the handle incorporates a first part of an attachment mechanism. The head portion is rotatable and has a cylindrical configuration with a first circular side and an opposite second circular side that is spaced from the first circular side. The head portion has a second part of the attachment mechanism projecting outward from the second side. The second part is joinable with the first part to secure the head portion to the attachment arm, and the second part is separable from the first part to detach the head portion from the attachment arm. The head portion is positioned such that the longitudinal axis extends through the head portion and between the first circular side and the second circular side of the head portion. In addition, the attachment arm attaches to only the second side of the head portion and is absent from the first side of the head portion.

The Office Action rejects independent claim 1 as being anticipated by Maultasch. As with independent claim 1, Maultasch discloses a head portion with a cylindrical configuration that defines a pair of sides, and the head portion has an attachment part extending from one of the sides. In Maultasch, the handle and the head portion (or at least the cylindrical part of the head portion) have generally planar configurations and lie on two separate, but parallel, planes. If one were to define a longitudinal axis through ends of the handle, the longitudinal axis would lie on the plane of the handle. Accordingly, the axis would not pass through the cylindrical part of the head portion because these elements lie on different planes. In contrast with independent claim 1, therefore, Maultasch does not disclose a configuration wherein a longitudinal axis of the handle extends through the head portion and between sides of the head portion.

Although the Applicant disagrees with this proposition, one may argue that a longitudinal axis of the handle in Maultasch may pass through the attachment part extending from one of the sides of the head portion. Even if this is true, however, the axis still does not extend between the sides of the head portion. As recited by independent claim 1, the head portion has first and second circular sides and the second part of the attachment mechanism projects outward from the

second side. An axis that extends through the attachment part extends, therefore, outside of the area between the first and second sides.

Both Wallays and Faehnel disclose implements with handles and rotatable heads, and the configurations of these implements are such that a longitudinal axis of the handle may pass between sides of the rotatable heads. The structure of the implement disclosed in Maultasch is substantially different than the structures of the implements disclosed in Wallays and Faehnel. For example, Maultasch discloses an attachment arm secured to only one side of the head portion, whereas the attachment arms of Wallays and Faehnel attach to both sides. Maultasch also discloses a head portion with an attachment part on only one side, whereas the attachment parts of Wallays and Faehnel are located on both sides of the head portions. In addition, the head portion of Maultasch is specifically designed to cut when attached to the handle and support the lid of a box when detached, whereas the heads of Wallays and Faehnel are only disclosed as having utility when attached to the handle. Accordingly, one skilled in the art would not be led to combine Maultasch, Wallays, and Faehnel in a manner that would arrive at the claimed invention given these distinct differences in structure.

Based upon the above discussion, the Applicant respectfully submits that independent claim 1 is allowable over Maultasch. In addition, claims 2-11 should be allowable for at least the same reasons as Wallays and Faehnel do not remedy the deficiencies discussed above.

Discussion of Claims 12-18 and 20

The Office Action indicates that claim 19 would be allowable if rewritten in independent claim format. Independent claim 12, as amended, substantially incorporates the recitation of claim 19. The Applicant respectfully submits, therefore, that independent claim 12 is allowable. In addition, claims 13-18 and 20 should also be allowable for at least the same reasons.

Discussion of Claims 21-23

Independent claim 21 recites, in part, a culinary implement having a handle, a single attachment arm, and a plurality of generally cylindrical head portions that are interchangeably-securable to the attachment arm and rotatable with respect to the handle and the attachment arm.

The handle has an elongate configuration that defines a pair of ends and a longitudinal axis extending through the ends. The attachment arm extends beyond an end of the handle. At least two of the head portions have different width dimensions, and at least one of the head portions has a first circular side and an opposite second circular side spaced from the first circular side. The at least one of the head portions also includes a portion of an attachment mechanism projecting outward from the second circular side to join the attachment arm to the second circular side. The attachment mechanism is absent from the first circular side. The longitudinal axis extends between the first circular side and the second circular side and is substantially centered between the first circular side and the second circular side.

The Office Action rejects independent claim 21 over a combination of Maultasch and Wallays. According to the Office Action, Maultasch discloses the invention substantially as claimed, except for the head portions having different widths. Given this deficiency in Maultasch, Wallays is utilized for a teaching of head portions with different widths.

According to independent claim 21, the culinary implement includes (a) a single attachment arm, (b) head portions with different widths, and (c) the longitudinal axis of the handle extends between the first circular side and the second circular side and is substantially centered between the first circular side and the second circular side. In Wallays, two arms 46 are utilized to hold rotatable heads, and Wallays states that "The arms 46, while substantially rigid, have a slight degree of flexible resiliency to allow for a springing apart of these arms 46 to mount the disk 40 therebetween" (Wallays, column 3, lines 46-49). This mechanism, which utilizes two arms, ensures that the heads are centered relative to the handle. This mechanism cannot be utilized, therefore, in an implement having a single attachment arm to ensure that heads of different widths are centered (i.e., longitudinal axis is substantially centered between the sides of the head). That is, the device of Wallays discloses a mechanism for centering heads that relies upon two arms. If elements of Wallays are incorporated into Maultasch (an implement with one arm), then no mechanism for centering the heads is present. Accordingly, even if Maultasch and Wallays are combined, neither Maultasch nor Wallays disclose a structure wherein a single attachment arm may be utilized to center heads of different widths.

In conclusion, Wallays relies upon two arms to provide a mechanism for centering heads of different widths (i.e., ensuring that a longitudinal axis of the handle is substantially centered between the sides of the heads). Also, Maultasch discloses a single arm with a head that is offset from the axis (see arguments above for independent claim 1). Neither reference, therefore, teaches or suggests a configuration wherein heads may be centered relative to a handle with a single attachment arm.

Based upon the above discussion, the Applicant respectfully submits that independent claim 21 is allowable over the combination of Maultasch and Wallays. In addition, claims 22-23 should be allowable for at least the same reasons.

Discussion of Claims 24 and 26-29

Independent claim 24 recites, in part, a culinary implement having a handle, a single attachment arm, a first head portion, and a second head portion. The handle has an elongate configuration that defines a pair of ends and a longitudinal axis extending through the ends. The attachment arm is secured to the handle and extends beyond one of the ends of the handle. The first head portion has a generally cylindrical configuration that includes a pair of first side surfaces and a first width dimension extending between the first side surfaces. The first head portion is rotatably-securable to the attachment arm such that the longitudinal axis extends through a center point of the first width dimension. Only one of the first side surfaces is joinable with the attachment arm to rotatably-secure the first head portion to the attachment arm, and the first head portion is detachable from the attachment arm. The first head portion is rotatable about a rotation axis when the first head portions is secured to the attachment arm, and the rotation axis is substantially perpendicular to the longitudinal axis. The second head portion is interchangeable with the first head portion and has a generally cylindrical configuration that includes a pair of second side surfaces and a second width dimension extending between the second side surfaces. The second width dimension is greater than the first width dimension, and the second head portion is rotatably-securable to the attachment arm such that the longitudinal axis extends through a center point of the second width dimension. Only one of the second side surfaces is joinable with the attachment arm to rotatably-secure the second head portion to the

attachment arm, and the second head portion is detachable from the attachment arm. The second head portion is rotatable about the rotation axis when the second head portion is secured to the attachment arm. At least one of the second side surfaces defines a depression that extends toward a center of the second head portion and along the rotation axis. The attachment arm extends into the depression when the second head portion is secured to the attachment arm.

The Office Action rejects independent claim 24 over the combination of Maultasch and Wallays. According to independent claim 24, (a) the first head portion is rotatably-securable to the attachment arm such that the longitudinal axis extends through a center point of the first width dimension and (b) the second head portion is rotatably-securable to the attachment arm such that the longitudinal axis extends through a center point of the second width dimension. In this respect, independent claim 24 incorporates elements that are similar to independent claim 21. Accordingly, the arguments discussed above for independent claim 21 also apply to independent claim 24.

Independent claim 24 also recites that at least one of the second side surfaces defines a depression that extends toward a center of the second head portion and along the rotation axis, and the attachment arm extends into the depression when the second head portion is secured to the attachment arm. According to the Office Action, Maultasch discloses a depression as the valley between tab 26 and the surface of knife 16. This depression is perpendicular to the depression recited by independent claim 24. More particularly, independent claim 24 recites that at least one of the second side surfaces defines a depression that extends toward a center of the second head portion and along the rotation axis. The depression in Maultasch, however, is perpendicular to the rotation axis and does not extend toward a center of the head portion.

Based upon the above discussion, the Applicant respectfully submits that independent claim 24 is allowable over the combination of Maultasch and Wallays. In addition, claims 26-29 should be allowable for at least the same reasons.

Discussion of Claims 33-35

The Office Action indicates that claims 33-35 are allowable.

Discussion of Claims 36-39

Independent claim 36 recites, in part, a culinary implement having a handle, a single attachment arm, a first head portion, and a second head portion. The handle has an elongate configuration that defines a pair of ends and a longitudinal axis extending through the ends. The attachment arm is secured to the handle and extends beyond one of the ends of the handle. The first head portion has a generally cylindrical configuration that includes a pair of first side surfaces and a first width dimension extending between the first side surfaces. The first head portion is securable to the attachment arm such that the first head portion is rotatable about a rotation axis that is substantially perpendicular to the longitudinal axis. At least one of the first side surfaces defines a first depression that extends toward a center of the first head portion and along the rotation axis. The attachment arm extends into the first depression when the first head portion is secured to the attachment arm. The second head portion has a generally cylindrical configuration that includes a pair of second side surfaces and a second width dimension extending between the second side surfaces. The second head portion is securable to the attachment arm such that the second head portion is rotatable about the rotation axis. At least one of the second side surfaces defines a second depression that is larger than the first depression and extends toward a center of the second head portion and along the rotation axis. The attachment arm extends into the second depression when the second head portion is secured to the attachment arm.

Independent claim 36 recites depressions in the first and second head portions, and the depressions extend toward a center of the head portions and along the rotation axis. As discussed above, the Office Action indicates that Maultasch discloses a depression as the valley between tab 26 and the surface of knife 16. This depression is perpendicular to the depressions recited by independent claim 36. More particularly, independent claim 36 recites that the depressions extend along the rotation axis. The depression in Maultasch, however, is perpendicular to the rotation axis and does not extend toward a center of the head portion.

Based upon the above discussion, the Applicant respectfully submits that independent claim 36 is allowable, and that claims 37-39 should be allowable for at least the same reasons.

III. Conclusion

In view of the foregoing, the Applicant respectfully submits that all claims are in a condition for allowance. The Applicant respectfully requests, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on June 22, 2006. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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